

1 [Recreation and Park Department – Marina Small Craft Harbor Loan.]

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3 **Resolution accepting a loan (the "Loan") from the State of California acting through its**  
4 **Department of Boating and Waterways (the "State") and approving the form of a loan**  
5 **agreement by and between the City and County of San Francisco (the "City") and the**  
6 **State (the "Loan Agreement"); granting general authority to City officials to take certain**  
7 **actions in connection with the Loan and the Loan Agreement; adopting findings under**  
8 **the California Environmental Quality Act, ("CEQA"), CEQA Guidelines and San**  
9 **Francisco Administrative Code Chapter 31, including the adoption of a mitigation**  
10 **monitoring and reporting program; finding the proposed project is in conformity with**  
11 **the priority policies of Planning Code Section 101.1(b) and with the General Plan**  
12 **consistency requirement of Charter Section 4.105 and Administrative Code Section**  
13 **2A.53; and ratifying previous actions taken in connection therewith.**

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15 WHEREAS, By Resolution No. 149-03 and based on records in Board File No. 030133,  
16 which are incorporated herein by this reference, the Board of Supervisors (the "Board of  
17 Supervisors" or "Board") of the City and County of San Francisco (the "City") previously  
18 certified that that the San Francisco Marina Small Craft Harbor (the "Marina") needs  
19 renovation and reconstruction and authorized the General Manager of the Recreation and  
20 Park Department, or his designee (together with the General Manager of the Recreation and  
21 Park Department, the "General Manager") to submit a loan application to the State  
22 Department of Boating and Waterways (the "State") in order to finance the renovation and  
23 reconstruction of the Marina; and,

1           WHEREAS, the State has approved a loan (the "Loan") to the City in the amount of  
2 \$26,500,000 to finance various improvements to facilities in the West Harbor of the Marina  
3 that are in poor condition (the "Project"); and

4           WHEREAS, the City and the State have negotiated a form of loan agreement  
5 describing the terms of the Loan, a copy of which is on file with the Clerk of the Board under  
6 File No \_\_\_\_\_ (the "Loan Agreement"); and

7           WHEREAS, Concurrently herewith, the General Manager has submitted an ordinance  
8 to the Board which will increase berthing rates in the West Harbor to repay the Loan, which  
9 ordinance will be considered by the Board separately from this resolution; and,

10           WHEREAS, On January 11, 2007, by Motion No. 17357, the Planning Commission  
11 certified a Final Environmental Impact Report ("FEIR") for the San Francisco Marina  
12 Renovation Project ("Project"), File No. 2002.1129E, in accordance with the California  
13 Environmental Quality Act ("CEQA"), a copy of which is on file with the Clerk of the Board of  
14 Supervisors in File No. \_\_\_\_\_ and incorporated herein by this reference; and

15           WHEREAS, the Project analyzed in the FEIR encompassed the proposed renovations  
16 and improvements to the West Harbor proposed under the Loan Agreement; and

17           WHEREAS, On January 18, 2007, the San Francisco Recreation and Park  
18 Commission by Resolution No. 0701-014, including the Attachment A and Exhibit 1 to  
19 Attachment A, approved the Project and adopted findings pursuant to the California  
20 Environmental Quality Act, ("CEQA"), CEQA Guidelines and San Francisco Administrative  
21 Code Chapter 31, including the adoption of a mitigation monitoring and reporting program  
22 ("CEQA Findings"). The San Francisco Recreation and Park Commission Resolution No.  
23 0701-14, including the Attachment A and Exhibit 1 to Attachment A are on file with the Clerk  
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1 of the Board in File No. \_\_\_\_\_ and are incorporated into this ordinance by this  
2 reference; and

3 WHEREAS, On March 20, 2007, following an appeal to the Board of Supervisors of the  
4 certification of the FEIR by the Planning Commission, the Board of Supervisors upheld the  
5 certification of the FEIR by Motion No. 07-0040, a copy of which is on file with the Clerk of the  
6 Board in File No. \_\_\_\_\_ and incorporated herein by this reference; and

7 WHEREAS, On March 23, 2007, the Planning Department filed with the San Francisco  
8 County Clerk a Notice of Determination for the Project, a copy of which is on file with the Clerk  
9 of the Board in File No. \_\_\_\_\_ and incorporated herein by this reference; and

10 WHEREAS, On February 12, 2008, by letter to the Recreation and Park Department  
11 the Director of Planning found that the renovation of the West Harbor as contemplated by the  
12 Loan Agreement is in conformity with the General Plan and consistent with the Eight Priority  
13 Policies of City Planning Code Section 101.1; now, therefore, be it

14 RESOLVED, That the Board of Supervisors, in exercising its independent judgment,  
15 incorporates by reference and adopts as its own all prior CEQA findings adopted by the  
16 Recreation and Park Commission including, without limitation, the Recreation and Park  
17 Commission's CEQA Findings adopted in Resolution No. 0701-014 on January 18, 2007,  
18 including the mitigation monitoring and reporting program, and finds that, based on substantial  
19 evidence and in light of the whole record, there are no changes in the Project or the  
20 circumstances under which the Project will occur and no new information has become  
21 available since certification of the FEIR that would alter the findings of the Planning  
22 Commission in Motion No. 17357 or the Board of Supervisors in Motion No. 07-0040 with  
23 regards to the adequacy of the FEIR pertaining to this Project; and be it

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1           FURTHER RESOLVED, That the Board of Supervisors hereby adopts as its own and  
2 incorporates by reference herein, as though fully set forth, the findings of the Director of  
3 Planning that the acquisition of the Property is in conformity with the General Plan and  
4 consistent with the Eight Priority Policies of City Planning Code Section 101.1; and be it

5           FURTHER RESOLVED, That the Board of Supervisors hereby accepts the Loan and  
6 approves the form of the Loan Agreement, authorizes the General Manager to execute and  
7 deliver the Loan Agreement, and authorizes and directs the General Manager and other City  
8 officials, jointly and severally, to perform all actions contemplated by and consistent with the  
9 Loan and the Loan Agreement and to execute and deliver such certificates, agreements,  
10 requests or other documents as they may deem necessary or desirable to carry out the  
11 provisions of this Resolution, including, without limitation, the execution and delivery of  
12 additional Loan Agreements relating to future draws under the Loan; and be it

13           FURTHER RESOLVED, That all actions heretofore taken by the officers of the City  
14 with respect to the Loan and the Loan Agreement are hereby approved, confirmed and  
15 ratified; and, be it

16           FURTHER RESOLVED, That the Board of Supervisors authorizes the General  
17 Manager to enter into any modifications to the Loan Agreement that the General Manager  
18 determines, in consultation with the City Attorney, are in the best interests of the City and  
19 which do not otherwise materially increase the obligations or liabilities of the City, and are  
20 necessary or advisable to effectuate the proposed transactions authorized by this Resolution.

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